THE HONOURABLE SRI JUSTICE V.ESWARAIAH

WRIT PETITION No :27058 of 2005

DATED:12-02-2007

M.Shanker Rao.

..... PETITIONER

AND

The District Manager,
A.P.State Housing Corporation,
Hyderabad.

.....RESPONDENT

ORDER:

None appears for the petitioner. Heard the learned counsel appearing for the respondent.

2. Petitioner seeks a writ of mandamus declaring the action of the respondent in issuing the impugned order, dated 17-12-2005, vide Lr.No.1898/APHSC/2005, and consequential black listing the petitioner, as illegal and arbitrary.

3. It is the case of the petitioner that he was awarded the contract for construction of thirty two houses in Block No.45 at Singareni Colony, Champapet, Hyderabad by the respondent and the respondent issued only steel and cement. The contract was awarded on 02-08-2005 vide Lr.No.1256/Singareni.

4. It is stated that as per the complaint made by the Security guard the steel and cement supplied by the respondent for the construction of thirty two houses to the persons who were affected in the fire accidents was attempted to be taken away by the petitioner, and as the said action leads to financial loss the petitioner was directed to stop the further constructions and that if any construction is made by the petitioner the respondent is not responsible for the same. It is stated that the said action has been taken by the respondent without issuing any notice.

5. I am not inclined to express any opinion on merits of the case as

the respondent is bound to conduct an enquiry and take appropriate action before cancelling the contract.

6. Having regard to the facts and circumstances of the case, the said impugned order is directed to be treated as show cause notice and the petitioner is permitted to file explanation/representation before the respondent within two weeks from the date of receipt of a copy of this order and on such representation/explanation, if any, the respondent may consider the same and pass appropriate orders in accordance with law within four weeks thereafter.

7. Accordingly, the writ petition is disposed of. No order as to costs.

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V.ESWARAIAH,J

12th February, 2007.
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